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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,414	09/04/2003	Gregory P. Gerber	GRD0235.US	7386

7590

08/30/2006

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/656,414	Applicant(s) GERBER, GREGORY P.	
	Examiner Yvonne M. Horton	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

In view of applicant's amendment received on 06/21/06, claims 1-11 remain. An examination of claims 1-11 follows.

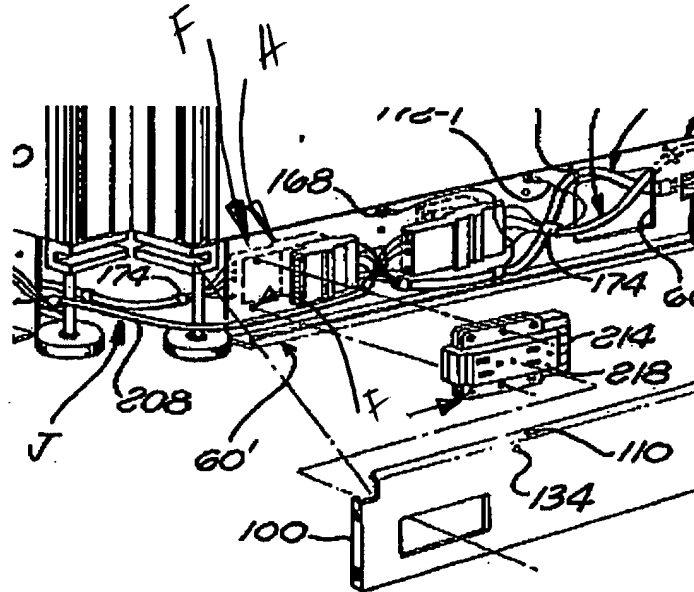
Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4 and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,918,886 to BENOIT et al. In reference to claims 1 and 6, BENOIT et al. discloses the use of a modular wall including a wall panels (20,22,24) including a base cover (98) with at least one aperture (220); and an electrical distribution harness (P/J) having an electrical connector (170) including a plurality of terminals (176,178); at least one channel (62) extending from and electrically connected to said connectors (170) and including a plurality of electrical conductor (172) connected to the plurality of terminals (176,178); an electrical receptacle (212) connected to the electrical connector (170); and at least one receptacle mounting bracket (the web 64 of channel member 62) having a cutout (68) and at least one attachment element (70) such that the cutout (68) surrounds the receptacles (212) in a manner that the receptacles (212) protrude through both the cutout (68) and at least one apertures (220) formed in the base cover (98). Regarding claims 2-4 and 7-9, the mounting bracket is a rectangular "C-shaped" frame. ("C-shaped because it is discloses as an I-beam or frame formed from a pair of

what looks like C-shaped channels formed back-to-back); wherein the frame (62) compliments the shape of the receptacle (212).

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,918,886 to BENOIT et al. BENOIT et al. discloses the use of a modular wall including a wall panels (20,22,24) including a base cover (98) with at least one aperture (220); and an electrical distribution harness (P/J) having an electrical connector (170); at least one channel (62) extending from and electrically connected to said connectors (170) and including a plurality of electrical conductor (172) connected to the plurality of terminals (176,178); an electrical receptacle (212) connected to the electrical connector (170); and at least one receptacle mounting bracket (the web 64 of channel member 62) having a hole (H) and a fastener (F), see below.



Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,918,886 to BENOIT et al. The structure of BENOIT et al. inherently discloses a

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method of connecting an electrical receptacle (212) to an electrical distribution harness (P/J) for a modular wall (20,22,24) having a base cover (98) with the apertures (220) and including the steps of providing an electrical harness (P/J) including at least one channel (62) having at least one conductor (172) and an electrical connector (170) having a plurality of terminals (176,178); connecting the electrical receptacle (212) into the electrical connector (170); placing a receptacle mounting bracket (the web 64 of channel member 62) having a cutout (68) therein such that the cutout (68) surrounds and supports the receptacle (212); attaching the mounting bracket (the web 64 of channel member 62) to the harness (P/J); and inserting the receptacle (212) through the at least one aperture (68).

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on (571) 272-6848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Yvonne M. Horton
Art Unit 3635
08/28/06